<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action

dated May 15, 2007. Claims 1 to 29 and 67 are in the application, of which the following

claims are independent: Claims 1, 5, 8, 9, 10, 16, 21, 24 and 29. Reconsideration and

further examination are respectfully requested.

The Office Action entered a rejection of Claims 1 to 33 under 35 U.S.C. §

101, as allegedly being directed to non-statutory subject matter. In response, the rejected

claims have been amended so that they are directed to a document stored on a computer-

readable memory medium which is used by a computer to develop and execute a

multimedia presentation. Such claims are believed to define statutory subject matter, in

compliance with the guidelines at MPEP § 2106.01:

> "In contrast, a claimed computer-readable medium encoded
> with a data structure define structural and functional interrelationships
> between the data structure and the computer software and hardware
> components which permit the data structure's functionality to be realized,
> and is thus statutory." (MPEP § 2106.01, page 2100-18, Rev. 5, August,
> 2006).

Withdrawal of the § 101 rejection is respectfully requested.

Claims 1 to 66 were further rejected under 35 U.S.C. § 103(a) over

"Synchronized Multimedia Integration Language (SMIL) 1.0 Specification", dated 15 June

1998 (hereinafter "SMIL 1.0"), in view of "MHEG-5--Aims, Concepts, and

Implementation Issues", dated January 1998 (hereinafter "IEEE MHEG-5"). The rejections

are all respectfully traversed.

In entering the rejection, the Office Action asserts that MHEG-5 was known for use in the context of web browsers, relying on the description of the MHEG-5 run-time engine at page 89 thereof:

> "Indeed, actual standards have already existed for event handlings. IEEE [MHEG-5], among others, noted MHEG-5. This standard was already well known to be used with in the context of Web browsers. See IEEE [MHEG-5], section MHEG-5 runtime engine [i.e., p. 89], the first paragraph, which discusses the relationships between Web browsers and MHEG-5." (Office Action page 3.)

However, in the view of Applicants herein, the MHEG-5 run-time engine is a decidedly non-browser-based application, but rather relies on an application-specific run-time engine that is not browser-based. This point can be understood by reference of Figure 2 of IEEE MHEG-5, which clearly shows that an MHEG-5 presentation is an application-specific text document, and is most certainly not XML.

Moreover, Applicants have located a proposal, dated March, 1999 (i.e., more than one year after the IEEE MHEG-5 paper), from the MHEG Working Group which indicates that XML was not a current capability of the MHEG-5 standard. A copy of the paper, which is entitled "XML Notation for ISO/IEC 13522-5", is attached. The paper is a proposal for inclusion of XML into a future version of the MHEG standard, and states that a working draft of such a proposal was targeted for July, 1999. The proposal includes the following justification:

> "This work will provide a mechanism by which MHEG-5 applications can exploit the technology used in the Internet community, and provide an easy migration path for reuse of applications by both the Broadcast and Internet communities. Such a notation may enhance the productivity of content and application developers from both communities.

It will constitute a valuable first step toward the wider aim of integrating
MHEG-5 with existing Web technologies. Successful conclusion of the
work may have an impact on the question of MHEG-5 Engine construction,
since future XML-capable browsers may have the capacity to render
MHEG-5 objects."

It is thus clear that as late as March, 1999, corresponding to the date of this proposal,

MHEG-5 applications were stand-alone applications that were not integrated with existing

Web technologies, and which did not have XML capabilities.

As such, Applicants respectfully submit that it was incorrect for the Office

Action to conclude that IEEE MHEG-5 is from the same field of endeavor as the subject

matter of this patent application (see page 3), that it was wrong for the Office Action to

conclude that it would have been obvious to combine the teachings of SMIL 1.0 and IEEE

MHEG-5 (page 4), and that it was further wrong to conclude that such a combination

would have resulted in the claimed invention.

Moreover, Applicants herein have amended the claims so as to emphasize

interactions and hierarchy between the various XML element tags that are the subject of the

invention. Claim 1, for example, specifies that there are child elements associated with the

event element tag, and that upon capture of a specified event, the child elements are

processed. Claim 5 specifies that the XML document comprises plural elements including

a media object element identified elsewhere in the document, wherein the claimed action

element tag represents a function to assign a value to the media object element. Claim 10

specifies that as between an event element tag and an action element tag, the action

element tag is a child to the event element tag, and that there is an assignment of the value

of an attribute in the action element tag if the event is detected. Independent Claims 16,

21, 24 and 29 specify similar interactions and child-parent hierarchies with respect to event, condition, action, interpolation and switch element tags.

It is respectfully submitted that even if it were permissible to combine SMIL 1.0 and IEEE MHEG-5, which is not conceded as explained above, the resulting combination would still not have disclosed or suggested the claimed interactions between various element tags, nor would have disclosed or suggested the claimed child-parent hierarchical relationship between such tags.

It is therefore respectfully submitted that the claims herein define subject matter that would not have been obvious from any permissible combination of the applied art, and allowance of the claims herein is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1594307v1